

# ARCHITECTURAL BOARD OF REVIEW

## PART 3

### **MEETING PROCEDURES**



Prepared By

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF SANTA BARBARA

CALIFORNIA

November 4, 2003

## **ABR Goals**

The ABR is guided by a set of general goals that define the major concerns and objectives of its review process. These goals are:

- A. to protect the historic and architectural qualities of Santa Barbara;
- B. to protect the beauty and ecological balance of Santa Barbara's natural resources;
- C. to insure development and building is consistent with the policies of the General Plan and Zoning Ordinance;
- D. to promote high standards in architectural design and the construction of aesthetically pleasing structures;
- E. to improve the general quality of the environment and promote conservation of natural and manmade resources of the City;
- F. to encourage planning which is orderly, functionally efficient, healthful, convenient to the public, and aesthetically pleasing;
- G. to encourage the construction of convenient and attractive commercial facilities and residences;
- H. to promote neighborhood compatibility;
- I. to encourage the preservation of pre-1925 and Hispanic styles of architecture;
- J. to promote visual relief throughout the community by preservation of public scenic ocean and mountain vistas, creation of open space, and variation of styles of architecture; and
- K. to preserve creek areas through restoration, maintenance, and enhancement, and to discourage removal of significant trees and foliage removal.

# MEETING PROCEDURES

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## **SECTION 1           Background, Purpose, and Interpretation**

### **1.1     Background**

The Architectural Board of Review (ABR) was established by ordinance on July 16, 1925, and met for seven months before being dissolved. It was re-established by ordinance in 1947. In 1949, the ABR was designated a Charter Committee by popular vote. Currently, the ABR consists of nine members, two of whom must be licensed architects, one a landscape architect, and three other professionals in related fields such as design or engineering. A quorum consists of four members, one of whom is an architect.

### **1.2     Objective**

The ABR is charged with the responsibility for "the protection and preservation as nearly as is practicable of the natural charm and beauty of the area in which the City is located and the historical style, qualities and characteristics of the buildings, structures and architectural features associated with and established by its long, illustrious and distinguished past". Santa Barbara has, for many years, enjoyed a widespread reputation for its distinctive buildings and the generally pleasing inter-relationship of these buildings with plantings, parks, beaches and the harbor, against a background of gently rounded foothills and mountains. The beauty and charm of this picture has enhanced the basic attraction of its year-round mild and equable climate.

Santa Barbara's distinctive architecture is a regional style with a Mediterranean influence. It reflects the City's historic past and compliments its setting in the natural environment. The successful adaptation of these architectural forms, with ingenious variations to meet modern needs, using simple materials, generous landscaping, human scale and soft colors, has resulted in the achievement of an architectural harmony that distinguishes Santa Barbara from other cities. It is essential to a rational and continued improvement of our community that property owners, architects and builders recognize these facts and use initiative and their best judgment and talents toward development of buildings of character that harmonize with their surroundings and are suitable for the proposed site.

The general purpose of the ABR Meeting Procedures is to guide applicants to better understand the ABR's meeting and review process and Staff's role in ABR agenda preparation. Applicants should also consult the ABR Guidelines, which are divided into two parts. Part 1 contains the Architectural Design Guidelines. Landscape Design Guidelines are under a separate cover of the ABR Guidelines as (Part 2).

The ABR Architectural Design and Landscape Design Guidelines (Parts 1 & 2) have been developed to insure that high standards of design are maintained in development and construction in the City of Santa Barbara. The ABR Design Guidelines are also intended to assist the public in understanding stated goals and adopted ABR policies. In addition to the Meeting Procedures and ABR Design Guidelines contained in this document, there are Supplemental Design Guidelines found in a series of separate documents.

### **1.3 Interpretation and Application**

- A. These Guidelines are designed to provide direction to the ABR members and to the public as a whole; they are not intended to be binding in nature. Nothing herein shall be interpreted in a manner contrary to the requirements of State law or the Municipal Code and in the event of a conflict between the requirements of State law or the Municipal Code and these guidelines, State law or the Municipal Code shall be controlling. Although failure to meet the Guidelines can form a basis for denial of a project, non-compliance with these Guidelines shall not be grounds to invalidate any action taken by the ABR, nor shall such non-compliance constitute a cause of action against the City or its officers, employees or agents concerning any matter.
- B. All questions regarding the proper interpretation and application of these Guidelines shall be resolved by the ABR or, upon appeal, the City Council.



## **SECTION 2            General Information and Procedures**

### **2.1    General Information**

#### **A.    Meeting Dates and Location**

The Full Board ABR meetings occur every Monday beginning at 3:00 P.M. in the David Gebhard Public Meeting Room, Community Development Department, 630 Garden Street, Santa Barbara, California. The ABR meetings are televised live on the local Government Access channel. Agenda items are scheduled as time-certain with the final item scheduled for no later than 7:00 P.M. Please note changes may occur to the meeting agendas due to postponement of items as described in Section 2.5, page 12.

If a holiday falls on Monday, meetings will be held on the following Tuesday or at the discretion of the Board. The Consent Calendar review occurs at 1:00 P.M. on the same day and it is also held in the David Gebhard Public Meeting Room, 630 Garden Street, Santa Barbara, California.

Occasionally there is a need to cancel a regular meeting or to hold a special meeting. Dates and times of such meetings shall be posted in the usual manner.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division at (805) 564-5470. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements.

#### **B.    Applications and Filing**

Community Development Department/Planning Counter 630 Garden Street, Santa Barbara, California. Business hours are 8:30 A.M. to 12:00 P.M.; 1:00 P.M. to 4:30 P.M., Monday thru Friday.

Application deadlines, Monday at 4:30 p.m. for the next available agenda based on a first-come-first-serve basis. Applications will be date and time stamped to assist Staff to determine project priority. Projects subject to a ten-day mailed notice period shall submit at least two weeks prior to the hearing date. If a holiday falls on a Monday, the application deadline for the next meeting will be the Friday preceding the holiday. Applications deemed incomplete by Staff shall not be placed on an agenda.

Applicants are encouraged to submit prior to deadlines. Staff will also consider the following factors when scheduling items: availability of City Staff, review level required, expected public comment and number of items submitted.

#### **C.    Application Completeness**

Due to the high volume of projects that require ABR review, it is important for

applicants to submit complete applications. (Please refer to the handout available at the Planning Counter entitled Design Review Submittal Packet, which describes the elements of a complete application.) Failure to submit a complete application may result in Planning Staff's inability to accept the application at the counter or the inability to place a project item on the next available agenda. The ABR may deem an application incomplete if the application submittal lacks sufficient photographs or does not provide required information.

**D. Notice and Posting**

Both the regular agenda and consent calendar are posted for public review on the bulletin board at City Hall, and in the Planning Counter area at 630 Garden Street. Agendas and minutes are also available on the Community Development Department's website a minimum of 72 hours prior to each meeting:  
[http://www.ci.santa-barbara.ca.us/departments/community\\_development](http://www.ci.santa-barbara.ca.us/departments/community_development).

**E. Fees**

Fees are based on the size, scope and type of project proposed. Staff will determine appropriate application fee based on the current fee resolution adopted by the City Council. Staff at the Planning Counter can provide the information.

**F. Staff**

Community Development Department  
Planning Division  
630 Garden Street  
Phone: (805) 564-5470 Fax: (805) 897-1904  
Website:  
[www.ci.santa-barbara.ca.us/departments/community\\_development](http://www.ci.santa-barbara.ca.us/departments/community_development)  
e-mail: First Initial Last Name @ ci.santa-barbara.ca.us

## **2.2 Agenda Organization**

Agendas for a meeting are organized on an approximate "time certain" basis. The following agenda order usually applies. However, the agenda times are subject to change in that an item may be heard either earlier or later than noted in the approximate schedule due to continuances or postponements of agenda items. It is recommended that people arrive at least 15 minutes before the approximate time for their item of interest.

**A. General Business**

- 1) Public Comment
- 2) Approval of minutes
- 3) Consent Calendar
- 4) Announcements, requests by applicants for continuances and withdrawals, and future agenda items
- 5) Reports from sub-committees

- 6) ABR violations
- 7) Discussion items
- B. **Appeals**
- C. **Concept Review (continued items first, followed by new items)**
- D. **Preliminary Review (continued items first, followed by new items)**
- E. **In-Progress Working Drawing Review**
- F. **Final Review (continued items first, followed by new items)**
- G. **Review After Final**

## 2.3 PROJECT PRESENTATION / PLAN SUBSTITUTION

### A. **Plan Presentation**

All levels of review with the exception of the Consent Calendar require the presentation of the project by the applicant or the applicant's representative. Items on the agenda not so represented shall be continued indefinitely. The applicant or representative will be responsible for rescheduling the project.

### B. **Plan Substitution**

1. Plans originally submitted and filed with an ABR application are generally not allowed to be substituted by applicants at the time of the scheduled meeting date. The policy is intended to ensure that approvals are not obtained without proper Staff oversight and to ensure an adequate opportunity for public review prior to the meeting. The exceptions to this general policy are explained below.
2. Plans may be substituted at meetings only with the understanding that changes may require further Staff review for zoning compliance. Plan substitutions may be approved if the plan is substantially identical. Applicants may always submit additional information, architectural details, notes or additional plan sheets. Applicants who do not demonstrate to Staff that new substitute plans are substantially consistent with prior plans submitted may not be allowed to receive project approval at meetings.

### C. **Mailed Notices & Public Hearings**

1. Certain types of development projects require a mailed notice be sent to property owners within a 100-foot radius of the project site 10 days prior to the scheduled meeting date. The purpose of this mailed notice is to provide an early opportunity for adjacent neighbors to comment on development proposals that may negatively impact their property. A public hearing on the project is held and the ABR considers public comment. (Please see SBMC Chapter 22.86 for the types of applications that require a mailed

noticed hearing).

2. Speakers who wish to comment on the project may be asked to limit their speaking time to no more than two minutes. The ABR may adjust the length of time each person speaks based on the number of people who wish to speak. In addition, no more than one public comment hearing is required to be held at the ABR on any particular development project unless the project has changed substantially from the original application. At subsequent hearings, the ABR Chair shall determine if additional public comment on changes or revisions to a project since the prior public hearing is necessary or appropriate. In order to manage meeting length, Staff shall limit the total number of noticed public hearings scheduled per ABR meeting to no more than four.
3. The ABR recommends that interested neighbors work together either to organize their comments or to select one person to represent the neighborhood and speak on the group's behalf. The following examples of public comment types are appropriate:
  - aesthetic issues
  - design issues
  - neighborhood compatibilityAlthough not encouraged, comments regarding compliance with the "Good Neighbor Policies" are acceptable.  
Comments on topics that may not be within the ABR's purview, such as the following, are discouraged:
  - site land use or zone designation
  - project density
  - project affordability
4. The ABR shall consider public comments directly related to aesthetic issues involving neighborhood compatibility, architecture and landscaping issues. The Board may also consider neighborhood input regarding Neighborhood Preservation Ordinance compliance findings, such as grading, tree removal and/or mass, bulk, and scale of the development. (Please see handout on Design Review Public Comment, available at the Planning & Zoning Counter, or on the City's website). These general guidelines are in place to manage meeting duration each week.

## **2.4 Review Levels**

See the ABR Checklist available at the Planning counter or the City's website for specific submittal requirements for each level of review.

### **A. Concept Review**

1. Informal review process during which no formal action is taken. Applicants are encouraged to come in with sketches and/or very conceptual drawings. Comments are made that give the applicant general directions for future review but are not binding on future discussion of the item.

The ABR or Staff may limit a project to two (2) concept reviews prior to Planning Commission review. The ABR may request a site visit or story poles to be placed at the site prior to making comments or taking action on the application.

2. The ABR may give a preliminary approval if sufficient information has been given, environmental assessment has been completed, the agenda and all public noticing for the hearing indicates a Preliminary approval action may result and no other discretionary review is required.
3. Concept review considers broad issues such as site planning, general architectural style and the project's relationship to its site and neighborhood.
4. Concept review is required prior to any other City reviews (such as environmental review, Planning Commission, etc), and before any formal action is taken by the ABR.
5. A concept review may not be appealed.

### **B. Preliminary Review**

1. Preliminary Review is a formal review of an application prior to preparation of working drawings. The plans should reflect all applicable Planning Commission conditions and City Departmental conditions of approval.
2. Preliminary approval is the most important approval of plans and determines the site plan configuration and design that must be followed in the working drawings. Any substantial changes will result in the project beginning at the concept level again.
3. All significant elements of any facet of the architectural appearance, landscaping and site/building orientation must be found consistent with the Guidelines in order to receive approval at this level of review.
4. Environmental review, Planning Commission approvals, and other discretionary review, if required, must be completed prior to Preliminary Approval.
5. For purposes of Government Code Section 65950, a preliminary approval shall be considered to be "approval" of the project by the ABR and

concludes the discretionary phase of project review. It shall constitute the substantive ABR design approval of the project which is appealable; however, final approval is still required prior to building permits.

6. At least four members shall vote in order to grant preliminary approval.

**C. In-Progress Review**

Applicants are encouraged to participate in In-Progress Review, which occurs after Preliminary Approval. If the ABR has expressed concern about a specific item (e.g. details, colors, etc.) the applicant may be requested to submit "In Progress" drawings to assure that the drawings are consistent with the Preliminary Approval.

**D. Final Review**

1. Final Review is a formal review of completed working drawings, prior to submittal for a building permit.
2. The final plans will be approved if they are in substantial conformance with the plans given preliminary approval. If the applicant proposes substantial changes to the plans, a new preliminary approval may be required. All Planning Commission Conditions of Approval shall be included on the plans.
3. At least four members shall vote in order to grant Final Approval.
4. All details, color samples, door hardware and exterior lighting fixtures shall be included for review.
5. A Final Review approval may be obtained subject to conditions that allow minor details to return on the Consent Calendar.

**E. Review After Final**

Review after Final occurs when there is a proposed change to a project after final approval of the project has been granted. Plans submitted should include all information on drawings, which reflect the proposed changes. If changes are not clearly delineated or shown, they cannot be construed as approved. Additional fees are charged for review after final. Any changes to a project for which "review after final" approval is requested shall be subject to a substantial conformance determination for conformance with the Preliminary Approval.

**F. Consent Calendar**

The Consent Calendar is a device meant to expedite the review of minor projects. One ABR member who is assisted by Staff reviews the Calendar. Applicants are advised to attend but are not required to attend or make a presentation of the project. A recommendation regarding each item on the Calendar is made to the full ABR for action. Such recommendation is not final until acted upon by the ABR.

The ABR may take an item off Consent to be considered by the Full ABR. The ABR may also direct some projects or portions of projects to the Consent Calendar for review. In addition, Staff has been delegated the discretion to place the following items on the Consent Calendar when appropriate:

1. Minor door and window changes in existing facades if changes match the existing building.
2. Addition of trash enclosures if they meet minimum ordinance requirements, complement the building's architecture and are not within public view.
3. Additional landscaping on an existing site or minor changes to proposed landscaping of an approved project.
4. Addition of parking spaces where no landscaping will be removed and minimum ordinance requirements are met.
5. Minor exterior or site changes.
6. Single-family and one-story two-family residential projects that meet most, but not all of the criteria for exemption from ABR review.
7. Time extensions beyond the first time extension for minor projects.

**G. Minor Alterations Eligible for Administrative Staff Approval**

The following list of minor design alterations may be approved as a ministerial action by the Community Development Director or appointed representative without review by the ABR. The Community Development Director or appointed representative shall have the authority and discretion to refer any minor design alteration to the ABR if the alteration has the potential to have an adverse effect on the architectural integrity of the building, structure or surrounding property. Designated City Landmarks and Structures of Merit are not eligible for administrative approvals.

1. Rooftop Equipment, Skylights and Satellite Dishes: Where it can be clearly demonstrated that the proposed equipment or skylights are not visible from adjacent properties or public ways, and are screened by existing parapets, building forms or other equipment. The satellite dishes and equipment may be required to be painted the same color as the roof or adjacent background. Transmitting antenna are not eligible for administrative approvals.
2. Door Changes: To enhance access by the physically challenged and for compliance with the Americans with Disabilities Act (ADA). The modification of doors and sidelights within the existing rough openings shall be designed to comply with all of the following requirements:
  - Door and sidelight sash material shall match the existing and be either wood or steel

- Where adjacent windows are "divided light" type, the new doors and sidelights shall also be divided to match the existing
  - In door pairs, both doors shall have the same width
  - In doors with sidelights, both sidelights shall have the same width
  - Doors and sidelights shall be placed symmetrically within architectural elements
  - Door hardware must be appropriate to the architectural style of the building
  - Changes in paving material shall match the existing material
  - Installation of guard/hand rails shall be referred to the Consent Calendar
3. Simple Color Changes: where original colors are substituted with colors from an ABR approved color palette.
  4. First, 1-Year Time Extension: successive extensions would still go to Consent Calendar.
  5. Temporary (1-Year) Soil Remediation Systems: that are screened with six foot high chain-link fencing with redwood slats, and shrubs or vines are planted or placed in pots surrounding the enclosure. The ventilation stack must be painted to match the color of the nearest background.
  6. Outdoor dining areas for sidewalk seating: In general accord with the ABR Guidelines, the placement, style, color and types of outdoor dining furniture and barriers shall be consistent with and shall complement the design and appearance of the building. The placement, style, color and types of outdoor dining furniture and barriers shall be in conformity with the Public Works Department Standard Street Right-of-Way and Sidewalk Outdoor Dining Regulations, adopted by the ABR and the City Council. Construction features shall be as approved by the City Engineer.
  7. Small, ground mounted equipment, electrical or gas metering equipment, water heater enclosures
  8. Residential Re-roofs
  9. Minor residential window or door alterations or additions
  10. Fencing six feet in height or less and accessory sheds less than 150 square feet
  11. Small canvass awnings



12. Small wood decks
13. Minor outdoor lighting alterations
14. Minor concrete, paving or miscellaneous work

**H. Construction Without Permit (“As-Built”)**

The ABR shall review as-built applications with the same degree of scrutiny and consideration afforded other proposed new projects utilizing the following criteria:

1. As-built work shall comply with all adopted design guidelines or be made to comply.
2. As-built work constructed or completed without benefit of review by the ABR review may be subject to denial if the work is deemed unacceptable.
3. Materials used and construction quality shall be evaluated by the ABR when determining if the as-built work is acceptable as constructed.

**2.5 Procedure for Continuances, Postponements, Referrals, and Absences**

**A. Continuances**

A continuance is the carrying forward of an item under discussion to a future meeting. Presentation and discussion took place on the date on which the continuance occurred. To be considered for a continuance, the applicant must attend the meeting and make a presentation. An application may be continued (i) at the request of the applicant, (ii) by action of the ABR if a continuance is found to be necessary to receive reports from other agencies or departments which pertain to the project, or (iii) by the ABR if the applicant does not object.

The applicant may also request continuance of a project to a specified date if he or she needs additional time to respond to comments or will be unable to attend the meeting. This is done either during the ABR meeting or by calling the ABR Staff-person.

**B. Postponements**

A postponement is deferral of the consideration of an agenda item to a future meeting. No discussion or presentation takes place on the date a postponement occurs. To be considered for a postponement, the applicant must contact ABR Staff prior to the meeting date and state the reason(s) justifying the postponement. If an application has been postponed more than twice, the ABR may deny the application “without prejudice” to a future application. Without prejudice means the ABR will have no reservations or pre-formed opinions in reviewing a resubmitted project.

1. If an applicant fails to attend the Full ABR meeting without having contacted Staff, the item will be postponed indefinitely, or continued indefinitely if some discussion took place. It is the applicant's responsibility to contact staff in order to reschedule the item for consideration.
2. Applicants that cancel or postpone their scheduled ABR agenda item without adequate notification by the Friday prior to the meeting date, will be continued indefinitely. Cancellations received after 4:30 p.m. Friday will result in the item not being placed on the next scheduled agenda unless the applicant demonstrates to Staff that the cancellation or postponement was unavoidable and there is space available. A postponement for an item placed on an ABR agenda may cause the item to be postponed indefinitely until such time the applicant pays a rescheduling fee.
3. The agenda schedule is subject to change as cancellations occur; applicants are encouraged to arrive 15 minutes early. Applicants that arrive late for their scheduled agenda item may be postponed indefinitely unless the ABR agrees to hear the item and if time permits.
4. ABR Staff may rearrange the agenda item order after agenda publication in order to minimize time gaps in the meeting due to cancellations or postponements. The ABR Staff-person may also consult with the ABR Chair to assist in scheduling discussion items and to determine appropriate time allocations for projects when long agendas are planned.

**C. Consent Calendar Referrals to Full Board**

Items that are referred from the Consent Calendar to the Full ABR by the Consent Calendar reviewer will be heard at the beginning of the Full ABR meeting if time permits. The ABR may choose to have the item scheduled at the Full ABR on the following week. If the Full ABR pulls an item from the ABR Consent Calendar and makes a motion to refer it to the Full ABR, no additional conditions or requirements can be placed on that item unless the applicant is notified or has been given the opportunity to be present for the discussion. Staff will notify the applicant when an item is referred to the Full ABR and ABR could not approve the Consent Calendar item as presented. Items referred from the Consent Calendar to the Full ABR shall be rescheduled on the next available agenda.

**D. Absences at Consent Calendar**

Although not recommended, applicants may choose to be absent for the Consent Calendar item presentation. Staff may present these items, only at the applicant's request. If an applicant does not attend the Consent Review, project approval may not result or be delayed.

## **2.6 Decisions**

- A. City Charter.** In reviewing all proposed plans, the ABR is required by Section 814 of the City Charter to "consider and be guided by the protection and preservation

as nearly as is practicable of the natural charm and beauty of the area in which the City is located and the historical style, qualities and characteristics of the buildings, structures and architectural features associated with and established by its long, illustrious and distinguished past."

- B. **Findings to Approve Non-Residential, Multi-Family, and Two Story Duplex Projects.** In order to approve a project, the ABR shall make a finding that the project is consistent with all applicable laws and guidelines.
- C. **Findings to Deny Non-Residential, Multi-Family, and Two Story Duplex Projects.** In order to deny a project, the ABR shall make findings relating to the project's inconsistency with the goals and policies of the ABR as set forth in these guidelines.
- D. **Findings to Approve Single-Family and One-Story Duplex Projects.** In order to approve a single-family and one-story two-family projects, the ABR shall make the findings outlined in Section 22.68.060 and included in the Single Family Residence Design Guidelines.
- E. **Findings to Deny Single-Family and One-Story Duplex Projects.** For single-family and one-story two-family projects, the ABR shall find that one or more of the findings outlined in Section 22.68.060 and included in the Single Family Residence Design Guidelines cannot be made.
- F. **Special Findings for Wireless Antennae.** The ABR must take action to minimize adverse visual impacts associated with wireless antennae and equipment installation. The ABR shall consider neighborhood compatibility, appropriate screening, site location, antenna color and size in order to find no adverse visual impacts will result.

## 2.7 Action, Appeals, and Expiration of Approval

- A. **Time Limits on Approvals.** Conceptual comments are valid for six months. ABR preliminary approval is valid for one year from the date of the approval unless a time extension or final approval has been granted. Final approval is also valid for one year from the date of final action unless a time extension has been granted or a Building Permit has been issued.
- B. **Time Extensions.** The ABR may extend the time periods specified in this Section for one (1) year upon a request of the applicant filed prior to expiration of the approval. The time periods specified for final approval shall not include any period of time during which (i) a moratorium on the issuance of building permits, imposed after the final approval, is in effect; or (ii) a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction.
- C. **Appeal of ABR Decision.** Any action or decision of the ABR may be appealed to the City Council. An appeal is limited to the scope of action. The standards of review at each level of review are explained in Section 2.4. If a project is approved by the ABR, the Preliminary Approval decision is the critical decision on the design elements of the project that should be appealed. Otherwise, the Final

Approval decision may be appealed only on the basis that it is inconsistent with the Preliminary Approval. If a project was granted an approval without a Preliminary Approval decision, the Final Approval decision is the substantive decision that may be appealed.

The letter of appeal stating the reasons for the appeal must be filed with the City Clerk within ten (10) calendar days of the contested action together with the appropriate appeal fee. No information shall be presented to City Council at an appeal hearing that was not presented to the ABR, except insofar as the City Council consents to the presentation of such information.

- D. **Re-Filing Denied Project.** When an application is denied by the ABR, the same application cannot be refiled with the ABR for one year, unless the application is substantially changed from the original. Those changes must mitigate the reason for denial. An application may also be denied “without prejudice” by the ABR, which may allow an applicant to re-file a different application without waiting one year.

## 2.8 Plan Check and Building Permit

- A. **Preliminary Zoning Plan Check.** All development applications are reviewed prior to ABR agenda placement for zoning compliance. The project applicant is responsible for verifying compliance with all applicable codes and regulations.
- B. **Building Plan Check.** Following Final ABR Approval, applicants may submit plans to the Building and Safety Division for plan check. ABR Staff is not responsible for routing plans to Building and Safety for building permits. If any changes are made to plans during the Building Plan check code compliance process that would alter the exterior appearance of the building(s), Staff may decide the revised plans require further ABR review. When the plans have completed the plan check process and all corrections have been made, ABR Staff will stamp the plans and sign the zoning clearance/design review approval stamp in order to allow issuance of a building permit.
- C. **Building Permit.** Building permits are required to be issued for most ABR approvals in order to verify and inspect compliance with ABR approvals. Changes to a project during construction may necessitate Review After Final approval by the ABR or Staff.

## SECTION 3      Jurisdiction

### 3.1      ABR Jurisdiction

The ABR shall review and take action to approve, conditionally approve, or deny all applications for:

- A.    **Building Permits: Nonresidential, Multiple Family, Two or More Story Two-Family, Two or More Detached Dwellings and Mixed Use.** All applications for building permits to alter the exterior of or erect a non-residential, multiple family, two or more story two-family or mixed use (residential and non-residential) building or structure or which will result in two or more detached dwellings on one lot, shall be referred to the ABR for review. Questions about review of certain types of projects have arisen periodically. The two following types of projects are specifically included in those projects subject to ABR review:
  - 1.    Exterior courts and courtyards which are not permanently covered are also subject to review if a building permit is required for the work; or
  - 2.    The project results in an exterior color change to any commercial building, or to a multiple family project that is being reviewed by the ABR for other changes (such as condominium conversion). If you are in doubt about whether your project requires ABR approval, please consult with ABR Staff.
- B.    **Building Permits: One Family and One-Story, Two-Family Residential.** (Neighborhood Preservation Ordinance. See also the Single Family Residence Design Guidelines.) Applications for building permits, together with any plans, elevations, site plans and other materials required by the City, to erect or alter the exterior of a one-family or one-story two-family residential building or structure, shall be referred to the ABR for review if:
  - 1.    Any portion of the lot or lots is in either the Hillside Design District or the Mission Area Design District; or
  - 2.    All new and all additions to existing single and one-story two-family dwellings, garages, and accessory structures on the lot will result in a combined floor area in excess of four thousand (4,000) square feet or a floor area to lot area ratio of thirty-five percent (35%) or greater; or
  - 3.    All additions, demolition and replacement, remodel or reconstruction projects which will result in an increase in the combined floor area of all structures on the site of more than fifty percent (50%) above the combined floor area of all structures constructed pursuant to valid building permits, existing on the site as of July 1, 1992. (SBMC 22.68.040.B)

Additional exceptions to ABR review for single-family and one-story two-family projects are found in Section 22.68.045 of the ABR ordinance.

- C. **Grading Permits** involving grading (cutting or filling) on a lot or lots located in a Special Design District shall be referred to the ABR for review. (SBMC 22.68.040.C)
- D. **Subdivision Grading Plans** for the installation of public utilities or improvements involving grading (cutting or filling) on a lot or lots located in a Special Design District shall be referred to the ABR for review. (SBMC 22.68.040.D).
- E. **City-Owned Land.** All buildings or structures erected upon any City owned land (or land leased to the City). (SBMC 22.68.130).
- F. **Signs.** The review of signs in the City is under the authority of the Sign Committee. Appeals of Sign Committee decisions are reviewed by the Historic Landmarks Commission if within El Pueblo Viejo or other landmark districts and by the ABR if within the remainder of the City (SBMC 22.70.050.I).
- G. **Other Applications.** Applications referred to the ABR for architectural, site plan, design and/or professional review.
- H. **Parking Lots.** Applications for construction or alterations to a parking lot associated with a commercial or residential project, which are under ABR's jurisdiction.
- I. **Wireless Communication Antennae & Facilities.** Applications for wireless communication facilities must be reviewed to minimize design and installation visual impacts.
- J. **Historic Resources.** Projects involving structures identified as a potentially significant historic resource through a study or by inclusion on the City's Potential Historic Resources List may be referred to the Historic Landmarks Commission for design review recommendations.

## SECTION 4 Meeting Conduct

### 4.1 General Procedures

- A. **Robert's Rules of Order.** The ABR has adopted Robert's Rules of Order for the formal conduct of meetings. Robert's Rules of Order shall govern the conduct of meetings unless otherwise provided by these Guidelines or as may be determined appropriate by the Chair of the ABR. However, the general meeting procedures tend to be less formal.
- B. **Discussions Outside of Regularly Notices Meetings.** It shall be a general policy of the ABR that private discussions between applicants and ABR members, or groups of ABR members, do not reflect the consensus of the entire ABR, nor shall it be construed as an interpretation of the ABR's policies. ABR members are encouraged to inform the ABR of such ex-parte discussions at regularly scheduled meetings. Such meetings should not be initiated or encouraged by ABR members.
- C. **Quorum** Four members, one of whom shall be an architect, constitute a quorum. No preliminary or final approval shall be given unless at least four members, including an architect, vote on the motion.
- D. **Abstention on Continued Items.** A member shall not vote or comment on a continued project if the member was not present during consideration of the project at the most recent meeting at which the project was considered unless the member has reviewed the plans and read the minutes of the relevant portions of that meeting. Any member may make comments at the request of the applicant.
  - 1. An applicant's request that a member abstain from voting or commenting at a meeting, and a member's expression of intent to abstain, shall be made prior to the start of the applicant's presentation at that meeting.
  - 2. This policy on abstention shall not apply to concept review.
  - 3. If members abstain under this policy so that fewer than four members are eligible to vote on a project, the applicant can (i) withdraw all of the requests for abstention and waive any objection, or (ii) the project shall be continued to allow a quorum of eligible members.
- E. **Brown Act, Meeting Rules, Guidelines Take Precedence.** The ABR meetings (including, at times, meetings of the ABR Subcommittees) shall be governed by the Ralph M. Brown Act (Govt. Code Section 54950 et seq.) with the general purpose to ensure government decision-making occurs in public.
- F. **Conflict of Interest.** Members must comply with all laws and regulations prohibiting participation by officials in making decisions for which they may have a conflict of interest under State law, in particular the Political Reform Act of 1974.
- G. **Staff Assistance.** Staff shall assist the ABR and the general public through the ABR process. Any Staff comments shall be stated at the beginning of each review.

- H. **ABR Member Attendance.** If a member cannot attend a meeting, the member is asked to contact either Staff at the earliest possible opportunity prior to the meeting date.
- I. **ABR Member Site Visits.** A site visit may be conducted to a proposed development site when additional site information is required prior to ABR comment or action on a project. Staff shall notify ABR members and the public of scheduled organized or drive-by site visits via notation on the meeting agenda.
- J. **Story Pole Requirements.** The ABR may require story pole installation by applicants to gain a better understanding of the proposed height, size, bulk and scale of a project and its relationship to the surrounding community and potential view impacts. Coordination with the Planning Commission for story pole placement and site visit is recommended. The installation shall follow the City's adopted criteria for story pole placement and installation standards.

#### 4.2 Officer Election

- A. **Chairperson.** As soon as practical following the first day of July of every year, the ABR shall elect one of its members to serve as Chairperson.
- B. **Vice-Chairperson.** Following the election of the Chairperson, the ABR shall elect a Vice-Chairperson who will conduct meetings in the absence of the Chairperson.

#### 4.3 Subcommittees/Advisory Committees

The ABR may establish one or more subcommittees comprised of three or fewer members appointed by the Chairperson and confirmed by the ABR. Any membership by an ABR member on a subcommittee or other board, commission or committee, not selected by the City Council, shall be confirmed by a majority vote of the ABR. The following are subcommittees or advisory committees to which the ABR appoints representatives.

- A. The Access Advisory Committee to Staff provides assistance and comments to the ABR on accessibility issues.
- B. Visual Arts in Public Places Committee (VAPP) is an advisory committee to which the ABR appoints a representative.
- C. The Sign Committee has one appointed member and one alternate from the ABR.